

REMARKS

In response to the Office Action dated 7 June 2006, Applicant offers the following Amendment and Remarks. Reconsideration and reevaluation of the application, as amended, is respectfully requested.

5 At page 3 of the Office Action, the Examiner rejected claims 1, 2, 6 through 9, 12 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Haenszel (U. S. 6,422,405) in view of Keenan et al. (U. S. 4,714,169) and Steyn et al. (2004/0206879). The Examiner further rejected claims 3 and 4 under § 103(a) as being unpatentable over Haenszel, Keenan, and Steyn in view of Friedman et al. (U. S. 3,604,734). Claim 5 was further rejected under § 103(a) as being
10 unpatentable over Haenszel, Keenan, and Steyn in view of Moran (2002/0016211).

 Claim 10 was rejected under § 103(a) as being unpatentable over Haenszel, Keenan, and Steyn in view of Serden (U. S. 7,000,795). At page 6 of the Office Action the Examiner rejected claim 11 under § 103(a) as being unpatentable over Haenszel, Keenan, Steyn, and Serden in view of Kurtgis (U. S. 4,478,312). The Examiner further rejected claim 13 under §
15 103(a) as being unpatentable over Haenszel, Keenan, and Steyn in view of Kurtgis.

 At page 7 of the Office Action, the Examiner rejected claims 14 and 15 under § 103(a) as being unpatentable over Haenszel, Keenan, Kurtgis, and Steyn in view of Serden. The Examiner further rejected claims 16 and 17 under § 103(a) as being unpatentable over Haenszel, Keenan, Kurtgis, Steyn, and Serden in view of Friedman et al. Lastly, I note that
20 claim 18 was rejected under § 103(a) as being unpatentable over Haenszel, Keenan, Kurtgis, Steyn and Serden in view of Moran.

 Applicant has amended independent claims 1 and 12. The independent claims now contain a first wing and a second wing and wherein the first and second wing are selectively extendable from the center section in order to create a center of gravity within the center
25 section. Additionally, the independent claims 1 and 12 have been amended wherein the inner

bushing comprises a cap over an end of the inner corner member disposed within the outer corner member and extending into the annulus, and wherein the outer bushing comprises a collar fastened to the outer corner member and a sleeve extending into the annulus.

Applicant respectfully submits that the prior art does not disclose the telescoping tool basket presently claimed. Applicant notes that neither Haenszel nor Keenan discloses an inner bushing and outer bushing members. Additionally, Haenszel and Keenan does not disclose a telescoping tool basket wherein the wings can be selectively extended in order to create a center of gravity within the center section, and wherein the tool basket can be lifted with a crane.

Additionally, the Serden patent does not disclose a telescoping tool basket. The Serden patent discloses an expandable room. The Serden patent does not teach the first wing and the second wing wherein the wings are selectively extendable from the center section in order to create a center of gravity within the center section.

The Examiner further cited the Steyn patent application. The Steyn patent discloses multi-leg equipment for a camera. There are no suggestions or teachings to combine the Steyn et al. patent with any of the other patents cited by the Examiner.

Applicant respectfully submits that with reference to the obviousness rejection under 35 U.S.C. § 103(a), there must be a basis in the art for combining or modifying references. As set out in the MPEP § 2143.01, the mere fact that a reference can be combined or modified, does not render the resultant combination obvious unless the prior art also suggest the desirability of the combination. Most, if not all inventions arise from a combination of old elements. Thus, every element of the claimed invention may often be found in the prior art. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion, or teaching of the desirability of making the specification combination that was made by the Applicant (see In

Re. Kotzab, 217 F.3d 1365, 55 USPQ 2d 1313 (Fed. Cir. 2000). Applicant respectfully submits that the prior art does not teach nor suggest a telescoping tool basket containing tools for lifting with a crane as presently claimed.

Therefore, Applicant respectfully submits that the objections and rejections have now been obviated. The Applicant recognizes that claims 21 and 22 have been withdrawn due to the Election/Restriction Requirement. Additionally, the Examiner noted a drawing objection. However, claim 20 has now been canceled, and therefore, this objection has now been obviated.

Applicant respectfully submits that the remaining claims, namely claims 1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18, and 19 are now in a position for allowance. Action at an early date is respectfully requested. If it would aid in disposition of this matter, the Examiner is kindly requested to contact the undersigned.

Respectfully Submitted,

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Date

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